IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 17456-M of 2007

DATE OF DECISION : 20.03.2007

Sajan alias Kalu and others

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Pawan Girdhar, Advocate,
for the petitioners.

The petitioners, apprehending their arrest in a non-bailable offence in case FIR No. 263 dated 25.12.2006 under Sections 376, 511, 506, 34 IPC, registered at Police Station Tanda, District Hoshiarpur, have filed this petition under section 438 of the Code of Criminal Procedure for the grant of anticipatory bail.

I have heard counsel for the petitioners and gone through the contents of the FIR as well as the order dated 19.2.2007, passed by Additional Sessions Judge, Hoshiarpur, whereby bail application of the petitioners has been dismissed.

Counsel for the petitioners contends that earlier there was a dispute between the petitioners and the complainant and on 24.12.2006, the complainant caused injuries to the mother of petitioner No.1, for which FIR No. 264 dated 25.12.2006 under Sections 452, 323, 148, 149 IPC was registered at Police Station Tanda against the complainant. Counsel contends that as a counter-blast to that case, the petitioners have been falsely implicated in this case.

The aforesaid FIR was registered on the basis of statement made by Rama Rani, mother of the prosecutrix, a 12 years old girl, in which

it was alleged that on 23.12.2006, when the prosecutrix was on way to take tuition, the petitioners caught hold of her, dragged her to vacant plot and tried to commit rape. It is further alleged that the prosecutrix got free from the petitioners and slipped away, but the petitioners chased her upto the house. It has also been alleged that when the complainant asked the petitioners regarding the incident, they also attacked her and threatened her and the prosecutrix with dire consequences.

Keeping in view the nature of allegations, I am not inclined to grant the discretionary relief of anticipatory bail, merely on the ground that earlier, an FIR was registered against the complainant on the statement of the mother of petitioner No.1.

Dismissed.

March 20, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**